

Case No.: DSP-22015
9113/9137 Baltimore Avenue

Applicant: RST Development, LLC

COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

On April 10, 2023, this matter was considered by the District Council on appeal from Planning Board, and on the briefs and oral arguments of the parties. (4/10/2023, Tr.), Appeal, 2/28/2023, 4/3/2023,¹ Applicant’s Response, 3/31/2023. The issues on appeal have been afforded full consideration. The Board’s approval of Detailed Site Plan (DSP)-22015, a request for one mixed-use building with 317 multifamily dwelling units and 3,296 square feet of ground-floor commercial retail space, with the need to deviate from several development district standards, on property located in the northeast quadrant of the intersection of US 1 (Baltimore Avenue) and Cherokee Street, in Planning Area 66 and Council District 3, at 9113 and 9137 Baltimore Avenue, within the City of College Park, is hereby AFFIRMED.^{2,3,4}

¹ The appeal was filed on 2/28/2023. The Appellant also filed written testimony on 4/3/2023, which was based on the appeal. The Applicant’s response was filed on 3/31/2023 and is responsive to both documents filed by the Appellant.

² DSP-22015 and Alternative Development District Standards will be referred to collectively as the site plan or separately where appropriate. Planning Board will be referred to as the Board and Technical Staff will be referred to as Staff. The Board’s Resolution will be referred to as the Resolution or PGCPB No. 2023-03. The Zoning Ordinance or Subtitle 27 of the County Code will be cited to as “PGCC § 27-___.” Appellant is Judy Blumenthal, Ph.D. The Applicant is RST Development, LLC.

³ The District Council may affirm, reverse, modify or remand the application to the Board. PGCC § 27-290(d).

⁴ The District Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property—including a preliminary plan of subdivision. PGCC § 27-141. The District Council may also take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. Moreover, the District Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence. District Council Rules of Procedure Rule 6.5(f).

A. The Site Plan

Unless otherwise stated herein, the District Council adopts the findings and conclusions set forth by Planning Board in Resolution No. 2023-03. The location of the site is in the northeast quadrant of the intersection of US 1 (Baltimore Avenue) and Cherokee Street, in the Mixed Use-Infill (M-U-I) and Development District Overlay (D-D-O) Zones of the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment (US 1 Corridor Sector Plan and SMA), which is also within the City of College Park. The site is also located in the Walkable Node Character Area of the Upper Midtown Plan Area of the D-D-O Zone.

Currently the site consists of three (3) hotels, as depicted below:



Staff Report, Slide 9 of 23, (4/10/2023, Tr.).

The proposed site plan will raze the 3-existing structures above and pave the way to construct 317-affordable multi-family dwelling units and 3,296 square feet of ground-floor commercial retail space on approximately 3.82-acres. The proposed site plan will also dedicate approximately 800-square feet of commercial space as a potential new location for Meals on Wheels.⁵ Upon construction, the site will be re-purposed, as depicted below:



⁵ Meals on Wheels (MOW) is a program that provides nutritional meals to seniors, people with disabilities, and other vulnerable populations. MOW is seeking a new location for its operations. MOW operates a catering establishment which provides nutritional meals to seniors, people with disabilities, and other vulnerable populations 3-times a day in the immediate vicinity. Since it commenced its operation in 1974, MOW was located at the College Park United Methodist Church. Because MOW was no longer able to locate and operate at the United Methodist Church site, it has temporarily re-located and is operating at the Elks Lodge in Riverdale. MOW is seeking a new permanent location in the City of College Park, which may be realized at this site. Applicant's Statement of Justification at 6, DSP-22015 Backup at 10-11.



PGCPB No. 2023-03 at 1-4, Staff Report, Slides 13 and 15.

The proposed site plan is oriented towards US 1 and has pedestrian access from both US 1 and Cherokee Street. The building is a six- to seven-story building and approximately 76 feet in height. The main pedestrian entrance and lobby are located on the west elevation of the building facing US 1, and the entrance is accented by a canopy, glass windows, and a sign over the entrance. The building includes six levels of structured parking that are accessed from Cherokee Street, which are screened by ground-floor commercial, lobby space, and dwelling units along the building's frontage. One level of parking is below grade on the southern portion of the site,

adjacent to Cherokee Street. While the main vehicle access to the structured parking garage is located off Cherokee Street, one right-out only exit from the garage is located off US 1. There are several pedestrian access points provided to the building from US 1 and Cherokee Street. 48th Avenue will be improved to provide access to the loading and service areas located in the rear of the building. PGCPB No. 2023-03 at 4-5.

Among other things, the proposed site plan will be designed to achieve or exceed National Green Building Standard (NGBS) certification standards required for a silver rating, including solar and ventilation standards, utilize energy star appliances and LED lighting, and propose drought-tolerant vegetation. Dedicated parking spaces for charging electric vehicles are provided in the parking garage. Other sustainable design features being employed in the project include avoiding surface parking areas; use of grass pavers; use of bioretention facilities to provide environmental site design, to the maximum extent practicable; and manage on-site stormwater runoff. Moreover, the streetscape includes a 12-foot-wide sidewalk along the frontage of US 1, 8-foot-wide sidewalks along the frontages of Delaware Street and Cherokee Street, and 4- to 5-foot-wide sidewalks along the frontage of 48th Avenue. A 6.5-foot-wide bicycle path is also included along the frontage of US 1, per the recommendations of the Sector Plan. And street trees and lighting, benches, bicycle racks, trash receptacles, and a landscape strip with planting are provided along the main streetscape of US 1. PGCPB No. 2023-03 at 4-8.

B. Standard of Review

The District Council may elect to review a final decision of the Board to approve or disapprove a site plan and/or a party of record may appeal to Council the Board's final decision to approve or disapprove the plan. Md. Code Ann., Land Use Article, § 25-210 (1957, 2012 Repl. Vol., 2022 Supp.), PGCC § 27-290. Here, the District Council waived its election to review the Board's final

decision. But, the Appellant, a party of record filed an appeal of the Board's final decision, which conferred jurisdiction upon the District Council to dispose of the appeal.

In an appellate capacity, the District Council's review of the Board's final decision on factual findings, and the application of law to those factual findings, is limited to determining if there is substantial evidence in the record (as a whole) to support the Board's findings and conclusions, and to determine if the decision is based on an erroneous conclusion of law. The District Council may not substitute its judgment for the Board. Substantial evidence is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

C. The Appeal

Having reviewed the appeal against the applicable standard of review above, the District Council finds that the four (4) issues raised by Appellant lack merit to reverse or deny the Board's approval of the site plan. Each issue will be addressed in turn below.

1. Site Access

Appellant contends that access to the site requires both a right-in and right-out from Baltimore Avenue to serve the proposed development. Appeal, 2/28/2023, 4/3/2023. Access to the site was approved by the Planning Board when the Board approved the Applicant's Preliminary Plan of Subdivision (PPS) application. At the PPS application hearing, the Board found, among other things, that due to safety and other concerns, entrance to the site from Baltimore Avenue should be restricted to right-out movements only. (9/8/2022, Tr.), PGCPB No. 2022-95, (1/19/2023, Tr.), PGCPB No. 2023-03 at 17-23, (4/10/2023, Tr.). However, during the hearing on the site plan, the Board considered testimony from the Appellant and the City of College Park to allow for right-in access from Baltimore Avenue. Providing due consideration to the Appellant and the City of

College Park concerns, the Board (within its discretion) provided the Applicant with the *option* to seek *subsequent* subdivision approval to allow for right-in-access. (1/19/2023, Tr.), PGCPB No. 2023-03 at 33, Applicant’s Response, 3/31/2023. The Board approved the site plan subject to Condition 1 (n) as follows:

Provide a “Do Not Enter” sign to facilitate a limited right-out only access driveway from the site, along US 1 (Baltimore Avenue), including the profiles of the signage. Add a median to US 1 at the garage exit, subject to approval by the Maryland State Highway Administration. The DSP shall allow for right-out access at the driveway and, **if the applicant subsequently obtains subdivision approval allowing for right-in access from US 1**, this DSP shall be revised to allow for right-in access, without requiring further approval of the DSP and the signage will not be required.

PGCPB No. 2023-03 at 36 (Emphasis added). Subsequently, in accordance with Condition 1 (n), the Applicant exercised its option in Condition 1 (n) (in the spirit of compromise to align with the view of the Appellant and the City of College Park) and filed a request for reconsideration of the PPS application approval to lift the restriction of right-in access from Baltimore Avenue.

After a hearing, the Board denied the request. When Condition 1 (n) is viewed in context with the record as a whole, the only reasonable construction of Condition 1 (n) is that 1) the Board never intended to address site access at site plan approval and 2) even after the Applicant exercised its option in Condition 1 (n), to seek subsequent PPS approval for right-in access from Baltimore Avenue, the Board was *not persuaded* to change its *initial* decision or factual determination in the PPS application approval to restrict site access on Baltimore Avenue to right-out movements only.

Yet, the City of College Park argues that the Board could have addressed site access contrary to its decision in the PPS application approval by amending the development district standards to grant a right-in access from Baltimore Avenue. (4/10/2023, Tr.). But that reasoning runs counter to the Board’s reasoning when it approved the site plan subject to Condition 1 (n). As noted, the only reasonable construction of Condition 1 (n) is that the Board *solely* intended to address access

to the site through PPS application approval—*not* through an amendment of development standards at the time of site plan approval—hence the condition at site plan approval—reverting any reconsideration of site access to those findings of facts and conclusions made during the PPS application approval.

Moreover, the Board found that “[b]ased on the foregoing and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code, without requiring unreasonable cost and without detracting substantially from the utility of the approved development for its intended use.” PGCPB No. 2023-03 at 32. *Cty. Council of Prince George’s Cty. v. FCW Justice, Inc.*, 238 Md. App. 641, 193 A.3d 241 (2018) (Before deciding to approve a detailed site plan, the Planning Board must find that “the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.” PGCC § 27-285(b). As the Court explained in *Zimmer*, the detailed site plan process “is a method of moderating design guidelines so as to allow for greater variety of development, while still achieving the goals of the guidelines.”). The Board’s approval of the site plan is in conformance with Maryland law.

In this instance, the District Council may not substitute its judgment for the Board on factual findings, and the application of law to those factual findings. Having reviewed the record, the Board’s decision to approve the site plan without right-in access from Baltimore Avenue was based on substantial evidence of record, was not arbitrary, capricious or otherwise illegal. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

2. Inadequate Utility Systems

The second issue raised by Appellant is that the 2010 Sector Plan has been overtaken by environmental trends which have rendered utility systems inadequate. To advance this claim, Appellant refers to issues experienced by residents related to Washington Gas, PEPCO and WSSC. Appeal, 2/28/2023, 4/3/2023, Applicant's Response, 3/31/2023, (4/10/2023, Tr.). Respectfully, the availability of utilities is a public facilities issue, which the Board addressed during its approval of PPS application for the site. But the Board also considered those issues prior to its approval of the site plan. Here, in accordance with County law, the Board referred the site plan to the appropriate agencies for comment. Before approving the site plan, the Board received and considered the following comments:

- **Permit Review Section**—The Planning Board has reviewed and adopts the memorandum dated November 21, 2022 (Glascoe to Gupta), which noted that the DSP did not address the standards and requirements for the signage. The applicant provided revised information 35 days prior to the Planning Board hearing, which included this information.
- **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the email dated November 30, 2022 (Thompson to Gupta), which provided an analysis of the prior conditions of approval and summarized the recreational facilities on-site.
- **Prince George's County Fire/EMS Department**—Comments were not received from the Fire/EMS Department, regarding this DSP.
- **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated December 1, 2022 (Giles to Gupta), which provided one comment regarding BPIS improvements. It is noted that BPIS improvements were reviewed and approved with PPS 4-22007, and any revision to the approved BPIS improvements will require reconsideration of the PPS.

- **Prince George’s County Police Department**—Comments were not received from the Police Department, regarding this DSP.
- **Prince George’s County Health Department**—The Planning Board has reviewed and adopts the memorandum dated October 27, 2022 (Adepoju to Gupta), which provided a health impact assessment of the proposed development and offered numerous recommendations, which have been acknowledged or addressed through revisions to the plan.
- **Maryland State Highway Administration (SHA)**—SHA offered no comments on the DSP.
- **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board has reviewed and adopts the email dated October 27, 2022 (Snyder to Gupta), which indicated that public water and sewer facilities are available to serve the development.
- **Potomac Electric Power Company (PEPCO) and Washington Gas**—The DSP was referred to PEPCO and Washington Gas on October 19, 2022, and no comments were received.

PGCPB No. 2023-03 at 27-28. Based on the above, there is substantial evidence in the record (as a whole) that the adequacy of existing utility systems was considered before the Board approved the site plan.

In this instance, the District Council may not substitute its judgment for the Board on factual findings, and the application of law to those factual findings. Having reviewed the record, the Board’s decision to approve the site plan based on adequacy of utility systems was based on substantial evidence of record, was not arbitrary, capricious or otherwise illegal. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

3. Traffic

Appellant contends that the increase in traffic resulting from this proposed development will impact the ability of emergency vehicles to access the community. In support of this argument, the Appellant attaches two photographs of Cherokee Street and Delaware Street showing on-street

parking. Appeal, 2/28/2023, 4/3/2023. But, in fairness to the Applicant and the City of College Park, these photographs are not part of the record, and cannot be considered by the District Council. Assuming, *arguendo*, that the photographs were part of the record, the Board previously considered traffic adequacy and such adequacy was not required to be *re-tested* at the time of site plan approval. *See e.g., Heard v. Cnty. Council*, 256 Md. App. 586, 287 A.3d 682 (2022) (Since conformity with the General and applicable Master Plan *was tested at the Preliminary Planning stage, it did not need to be tested for conformity again at the DSP stage*).

To be sure, during the traffic adequacy review and process, the Applicant evaluated the traffic impacts of the proposed development at the site. The proposed development was found to satisfy the requirements of the 2010 Sector Plan and the Transportation Review Guidelines. The Board also found that the proposed site plan is consistent with the approved PPS application approval and the adequacy application. PGCPB No. 2023-03, Appeal, 2/28/2023, 4/3/2023, Applicant's Response, 3/31/2023, (4/10/2023, Tr.). Moreover, the proposed development will not alter the ability of emergency vehicles to access the neighborhood. To the contrary, the Board found that the proposed development will *improve* existing conditions. Although not required for traffic adequacy, the Applicant agreed (as requested by the City of College Park) to widen Cherokee Street at its intersection with Baltimore Avenue to provide a free right turn lane. Not only will this improve the flow of traffic from the neighborhood—the Applicant is removing four full movement access points on Baltimore Avenue which currently serve the three existing hotels and replacing them with a single right-out exit from the parking garage—which will *improve* both traffic safety as well as pedestrian and bicycle safety in accordance with the 2010 Sector Plan. PGCPB No. 2023-03, Appeal, 2/28/2023, 4/3/2023, Applicant's Response, 3/31/2023, (4/10/2023, Tr.).

In this instance, the District Council may not substitute its judgment for the Board on factual findings, and the application of law to those factual findings. Having reviewed the record, the Board's decision to approve the site plan on issues of traffic was based on substantial evidence of record, was not arbitrary, capricious or otherwise illegal. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

4. Parking

Primarily, the Appellant asserts that parking for the proposed development will be inadequate and that overflow parking from the development will impact North College Park. Appeal, 2/28/2023, 3/31/2023. To advance these claims, the Appellant cites the growing trend toward multi-generational housing and multiple generations living under one roof. Appellant also states that leasing and renting out rooms are common behaviors in a college town. Appeal, 2/28/2023, 3/31/2023, (4/10/2023, Tr.). Appellant is incorrect. The Board's approval of the site plan was legally correct, in accordance with the 2010 Sector Plan, as follows:

**Parking Requirements per the Development District Standards in the 2010
Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment**

	Requirement	Approved
Total Residential (Walkable Node)	1 space per dwelling unit	317 parking spaces
Total Retail (Walkable Node)	3 spaces per 1,000 sq. ft.	3 x (3,296/1,000) = 10 parking spaces
Total Parking Required	327	
Total Parking Provided		360
On-site standard spaces (9.0 feet x 18 feet)**	-	344
Compact parking (9 feet by 16.5 feet)	-	16
Handicap Accessible	8	7
Handicap Van-accessible	2	2
Rideshare parking space	-	1
Electric Vehicle parking spaces	-	5

PGCPB No. 2023-03 at 2. As shown above, the 2010 Sector Plan carefully regulates parking. The 2010 Sector Plan establishes a parking ratio based upon the location of the property in the corridor. The number of parking spaces cannot be modified (up or down) unless an amendment is approved to increase or decrease the number of parking spaces provided. The 2010 Sector Plan also allows for a shared parking calculation that would allow mixed use projects, such as the subject site to reduce the total number of parking space required.

Here, the Applicant did not opt for shared parking methodologies to reduce parking. Instead, the Applicant requested an amendment to *increase* the parking from that required by the Sector Plan, which the Board approved. As a result, the proposed development will provide a total of 360 parking spaces when the 2010 Sector Plan only requires 327 parking spaces.⁶ The Board found that the additional parking would benefit the development and the development district, as required by Section 27-548.25(c), and would not substantially impair implementation of the Sector Plan. PGCPB No. 2023-03 at 2-4.

Finally, the Appellant's concerns that the proposed development will contribute to the growing trend toward multi-generational housing and an increase in subleasing are without merit. The proposed development is a federally funded affordable multi-family project—not market rate housing units. The unrefuted testimony in the record indicates that subleasing is strictly prohibited because the development is a federally funded affordable multi-family project. (4/10/2023, Tr.).

In this instance, the District Council may not substitute its judgment for the Board on factual findings, and the application of law to those factual findings. Having reviewed the record, the

⁶ To the extent the additional parking provided by the Applicant still results in overflow parking in the surrounding neighborhood, the City of College Park, in support of the project, indicated that neighborhood permit parking is a viable remedy, which the City has implemented and enforced in the past to address such concerns. (4/10/2023, Tr.).

Board's decision to approve the site plan on issues of parking and other housing type issues was based on substantial evidence of record, was not arbitrary, capricious or otherwise illegal. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

D. Conclusion

Finding no error in the Board's determination that the site plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use as referenced in PGCC § 27-285(b), the District Council will also approve the site plan as follows:

A. APPROVED alternative development district standards for:

1. **Mandatory Shop Frontage and Build-to-Lines of Zero Feet (page 229):** To allow the shop frontage to be less than 100 percent of the width of the building. To allow a front build-to line on a primary street to be a maximum of 11.4 feet.
2. **Building Form/Setback (page 234):** To allow a front build-to line on a secondary street to be a maximum of 29.6 feet.
3. **Building Form/Setback (page 234):** To allow a rear setback to be a minimum of 0.7 feet.
4. **Building Form/Step-back Transitions and Landscape Buffers (page 238):** To allow building height to exceed three stories facing existing residential development.
5. **Building Form/Parking (page 239):** To increase the number of parking spaces provided on-site by 32 spaces.
6. **Building Form/Parking Access (page 241):** To allow access to structured parking from a primary street. To allow the vehicular access drive of the parking garage to be wider than 22 feet.
7. **Building Form/Structured Parking (page 243):** To allow a parking structure within 50 feet of the property line.
8. **Architectural Elements/Façades and Shopfronts (page 246):** To allow doors or entrances for public access to be provided at intervals greater than 50 feet. To allow less than 12 feet of habitable space behind each shopfront, along the building

frontage. To allow the ground-floor residential units to have a raised finish floor less than 24 inches above the sidewalk grade.

9. **Architectural Elements/Materials (page 251):** To allow fiber cement boards as siding material.
 10. **Sustainability and the Environment/Leadership in Energy and Environmental Design (LEED) Certification (page 256):** To allow National Green Building Standard silver certification.
 11. **Streets and Open Spaces/Lighting Types and Configuration (page 267):** To allow alternative treatment of the lighting type and configuration, as determined by the operating agency.
 12. A reduction in the standard parking space size to 9 feet by 18 feet.
 13. A reduction in the height of the garage entrance, which accesses the loading space internal to the building, to 13.5 feet and the ceiling clearance above the loading space to 14 feet.
- B. APPROVED Detailed Site Plan DSP-22015 for the above-described land, subject to the following conditions:
1. Prior to certification, the applicant shall revise the detailed site plan (DSP), as follows, or provide the specified documentation:
 - a. Revise the coversheet, as follows:
 - (1) Revise the gross site area to 3.82-acres.
 - (2) Revise the title of the project to “9113 Baltimore Avenue.”
 - (3) Revise General Note 2 to list M-U-I and D-D-O as prior zones.
 - (4) Revise General Note 11 to provide the correct approval date for the stormwater management concept plan.
 - (5) Revise the sheet index to match the sheet numbers and titles of individual landscape architecture sheets.
 - (6) Add a general note listing the proposed residential density for the project.

- b. Revise the parking area requirements on the coversheet, as follows:
 - (1) Revise the reference to the 2002 *Central US 1 Corridor Sector Plan* to reference the 2010 *Central US 1 Corridor Sector Plan*.
 - (2) Include a table for required and provided Americans with Disabilities Act (ADA) accessible parking spaces.
 - (3) List the dimensions of the parking spaces provided, including the dimensions for and number of compact parking spaces.
 - (4) Revise the residential loading space requirement to list one space for 17 units over 300, instead of one space for 31 units over 300.
- c. Provide details for the proposed retaining wall near the corner of US 1 (Baltimore Avenue) and Delaware Street.
- d. Provide a sign table listing the number of signs, size, material, lighting, and their location on the façades, in accordance with the applicable Development District Overlay (D-D-O) Zone standards.
- e. Provide a sign at the southwest corner of the building facing the intersection of US 1 (Baltimore Avenue) and Cherokee Street.
- f. On the photometric plan, revise the labels for the various luminaires, as well as the symbol for Luminaire L2, to make them darker in color.
- g. Revise the proposed recreational amenity list located on Sheet DSP-1, to remove the business center and bicycle storage, with repair station, and update the total value of the proposed on-site recreational facilities. Add a note below the table, stating that all facilities shall be constructed, prior to issuance of the final certificate of occupancy for the building.
- h. Provide a list of amenities to be included in the proposed sunroom, the library/café, the multipurpose room, the fitness center, the game room, and the kitchenette. Show the location of the proposed sunroom, the library/café, the game room, and the kitchenette on the architectural floor plan.
- i. Update the DSP to include specific details and profiles for the striping and signage for the designated pick-up/drop-off space for rideshare vehicles.
- j. Show shared road pavement markings along Cherokee Street, unless modified by the operating agency, with written correspondence.

- k. Provide 6-foot-wide sidewalks on both sides of 48th Avenue, unless modified by the operating agency, with written correspondence.
 - l. Provide a detail for the proposed bicycle repair station.
 - m. Identify a micro-mobility parking area on US 1 (Baltimore Avenue) or Cherokee Street.
 - n. Provide a “Do Not Enter” sign to facilitate a limited right-out only access driveway from the site, along US 1 (Baltimore Avenue), including the profiles of the signage. Add a median to US 1 at the garage exit, subject to approval by the Maryland State Highway Administration. The DSP shall allow for right-out access at the driveway.⁷
 - o. Provide details of signage along 48th Avenue, such as “Service Entry Only” and restrictions for resident vehicles, including information regarding move-ins/outs.
 - p. Provide tabletop crosswalks in front of the parking garage entrance/exit on Cherokee Street and the parking garage exit on US 1 (Baltimore Avenue), subject to engineering/grading/permitting feasibility. If not feasible, provide a painted crosswalk or decorative paving (e.g., scored or stamped concrete) to distinguish these crosswalks.
 - q. Remove the label “residential use” from the 3,296-square-foot commercial area along Cherokee Street.
2. Prior to certification, the applicant shall revise the landscape plan, as follows:
- a. Provide a note on the landscape plan that states “The trash, loading facilities, and mechanical equipment are interior to the building or have been appropriately screened, in conformance with Section 4.4 of the 2010 *Prince George’s County Landscape Manual*.”
 - b. Provide an artistic treatment detail, to be applied to all sides of the ground transformer located at the southeast corner of the south building.

⁷ The following bracketed language is deleted from Condition 1 (n): [and, if the applicant subsequently obtains subdivision approval allowing for right-in access from US 1, this DSP shall be revised to allow for right-in access, without requiring further approval of the DSP and the signage will not be required]. The Applicant has exercised this option by filing a reconsideration of the PPS application before the Board, which was denied. The language is no longer required as part of Condition 1 (n).

- c. Add a general note on the landscape plan that, at the time of development, efforts shall be made to save Specimen Tree T4, a Willow Oak, including installing tree protection fencing during construction.
 - d. Add a general note on the landscape plan that, to help the survivability of specimen trees on the adjoining property, the applicant shall engage in tree protection measures, such as installing tree protection fencing during construction, root pruning, and vertical mulching.
 - e. Revise the plant schedule and the tree canopy coverage schedule on the landscape plan to provide the minimum required planting sizes for all landscape trees credited, to meet the tree canopy coverage requirement.
 - f. Revise the fencing proposed on the north side of 48th Avenue, to comply with the City of College Park fence ordinance (for the first 25 feet from Delaware Street, the fencing should not exceed 3 feet in height and be open and transparent, such as the picket fence shown on Sheet L301, Detail 11).
 - g. Clarify which of the existing trees will be removed and which will remain, on Sheet L401B and any other relevant sheet.
 - h. Consider tree substitutions for the following problematic species:
 - (1) Boxwoods
 - (2) Otto Luyken-Consider Juniper horizontalis, Abelia, or Cornus sericea
3. Prior to certification, the applicant shall revise the architectural plans and elevations, as follows:
- a. Revise the building elevation keys on Sheet A102, to remove overlapping text.
 - b. Label the size, material, and color for the proposed canopies at the building entrances.
 - c. To the parking garage notes on Sheet AP101, add the dimensions of the proposed compact parking spaces.
 - d. On the floor plan for the Level 1 parking deck, label and dimension the proposed loading space.
 - e. On the floor plans for Levels 3 to 6 parking decks, show the required access aisle, adjacent to the Americans with Disabilities Act (ADA) parking space.
 - f. Remove the shopfront treatment where residential uses extend to the ground floor on Delaware Street.

- g. Remove the spandrel at level three, along US 1 (Baltimore Avenue), to improve the shopfront treatment.
 - h. For the east elevation along the rear yard, the color of the horizontal masonry veneer panels of the parking garage should be the same color as the adjoining fiber cement panels used for the building walls. The precast panels on the ramped portion of the parking garage should be a lighter color.
 - i. Change the building identification sign over the entrance to the Cherokee Street commercial space, to identify the commercial user (Sheet A202, Detail F1).
 - j. Indicate a clearance bar, with dimensioned height, be placed at the parking garage entrance.
 - k. Indicate that ground-floor residential amenity areas and retail glass windows will be transparent.
- 4. Prior to issuance of the final certificate of occupancy of the building, the applicant shall demonstrate that all on-site recreational facilities have been fully constructed and are operational.
 - 5. Prior to approval of the final plat of subdivision, the applicant shall submit evidence that a Declaration of Covenants has been signed with the City of College Park, which includes responsibility for maintenance of the landscape buffer located between 48th Avenue and abutting existing residential development.

ORDERED this 25th day of April, 2023, by the following vote:

In Favor: Council Members Burroughs, Dernoga, Franklin, Hawkins, Ivey, Olson, and Watson.

Opposed:

Abstained:

Absent: Council Members Blegay, Fisher, Harrison and Oriadha.

Vote: 7-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Thomas E. Dernoga, Chair

ATTEST:

Donna J. Brown
Clerk of the Council